

1. Your Contact Information

Name: Michael J. Korman
Street Address: 2306 Sundrop Drive
Glenview, IL. 60026
County: Cook
State: Illinois
Phone Number: (312) 600 - 1820

2. Place where you can be contacted during normal business hours (if different from above)

Name: _____
Street Address: _____
County: _____
State: _____
Phone Number: () -

3. Name and address of the respondent (alleged polluter)

Name: Illinois Environmental Protection Agency
Division of Legal Counsel
Street Address: 1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794
County: Sangamon
State: Illinois
Phone Number: (217) 782 - 3397

4. Describe the type of business or activity that you allege is causing or allowing pollution (e.g., manufacturing company, home repair shop) and give the address of the pollution source if different than the address above.

I am alleging that the Illinois Environmental Protection Agency
("IEPA") is not Properly reviewing Notices of Intent as required
under the National Pollution Discharge Elimination System
("NPDES") which has been delegated to the IEPA by the United
States Environmental Protection Agency. Further, the IEPA has not
submitted the current ILR10 Permit for publishing either in the
Federal Register or Illinois Register as required in law.

5. List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated.

415 ILCS 5/11(a)5: US EPA Administrator to approve state plans

415 ILCS 5/11(a)8.b: Improper regulations are harming the waters

415 ILCS 5/13(b)1: Need current US EPA 2017 CGP updating

415 ILCS 5/39(q)3: Under sub-part A & B; lacking periodic reports

6. Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer back-ups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution.

The lack of a well run and coordinated NPDES program allows

Stormwater runoff and pollution to flood our Citizens homes, lakes,

Businesses, watersheds, rivers and waters of the state generally.

On construction sites specifically, pollution can take the form of

Soils, sediments and sand, concrete washout, petrol, oils, paints,

Trash & debris. Further, nutrients, pesticides, metals and especially

Bacteria, viruses and other pathogens.

7. Describe the duration and frequency of the alleged pollution. Be as specific as you reasonably can about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing (include seasons of the year, dates, and times of day if known).

I have reviewed hundreds of SWPPP documents and Notices of

Intent from around the state. In nearly every case, the Notices of

Intent are lacking critical information such as Contractor name or the

Correct Latitude & Longitude. If we can't get the paperwork right on

The front end, how can we expect Owners and Contractors to get

It right in execution of well-defined Best Management Practices.

8. Describe any bad effects that you believe the alleged pollution has or has had on human health, on plant or animal life, on the environment, on the enjoyment of life or property, or on any lawful business or activity.

In my community of Glenview, Illinois I see runoff pollution from Illinois Department of Transportation (PCB 2020-062) projects, from Local Park & School District projects as well as private commercial Projects. As noted in #6 above, this pollution has a negative impact On our environment. Our area has suffered through catastrophic Flooding over the last decade plus, at least some of it MUST be Attributable to property development and a lack of enforcement.

9. Describe the relief that you seek from the Board (e.g., an order requiring that the respondent stop polluting, take pollution abatement measures, perform a cleanup, reimburse cleanup costs, change its operation, or pay a civil penalty (note that the Board cannot order the respondent to pay your attorney fees or any out-of-pocket expenses that you incur by pursuing an enforcement action)).

If the IEPA cannot repair the current NPDES permit process as it Has been entrusted to our state by the US EPA then I believe that The Board should consider filing for Withdrawal of the NPDES Framework pursuant to 40 CFR § 123.64 until such time as a Robust compliance system can be implemented in our Great state. Our environment is simply too precious to throw up our hands and Say, well it is just too hard.

10. Identify any identical or substantially similar case you know of brought before the Board or in another forum against this respondent for the same alleged pollution (note that you need not include any complaints made to the Illinois Environmental Protection Agency or any unit of local government).

I am not aware of any other effort of this type in Illinois.

11. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. Also, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, an individual who is not an attorney is allowed to represent (a) himself or herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.)

I am representing myself and I am NOT an attorney.

As allowed in accordance with 40 CFR § 123.64 I have petitioned
The United States Environmental Protection Agency Administrator
To commence proceedings to withdraw approval for the State of
Illinois to administer the NPDES under the Clean Water Act. I have
Attached a copy withdrawal request for convenience.

12.

(Complainant's signature)

CERTIFICATION
(optional but encouraged)

I, Michael J. Korman, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

(Complainant's signature)

Subscribed to and sworn before me

this 8 day

of August, 2020

Notary Public



My commission expires: _____

Michael J. Korman

Citizen of the State of Illinois
13 N. Genesee Street
Waukegan, Illinois 60085
(312) 600-1820

August 20, 2020

The Honorable Andrew Wheeler
Administrator
United States Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington DC 20460

USPS Priority Mail Express 1-DAY; Signature Required; Tracking # 9481 7118 9956
3696 6271 80

Re: Petition by Michael J. Korman to withdraw approval of State of Illinois program
for administration of National Pollution Discharge Elimination System of the
Clean Water Act.

Dear Administrator Wheeler:

1. Pursuant to the terms of 40 CFR § 123.64, Michael J. Korman files this petition requesting that you commence proceedings to withdraw approval for the State of Illinois to administer the National Pollution Discharge Elimination System (NPDES) of the Clean Water Act.
2. The petition should be granted because the Illinois program as administered by the Illinois Environmental Protection Agency (IEPA) fails to comply with the requirements of 40 CFR § Part 123.61 and 40 CFR § Part 123.62.
3. You are authorized to withdraw program approval when this program no longer complies with the requirements of 40 CFR § Part 123. See 40 CFR § Part 123.63(a). As more specifically set forth below, Illinois' legal authority no longer meets the requirements of Part 123 because 1) Repeated instances of permits which do not conform to the requirements (40 CFR § 123.63a.2.ii); 2) Failure to comply with the public participation requirements (40 CFR § 123.63a.2.iii) and 3) Failure to inspect and monitor activities subject to regulation (40 CFR § 123.63a.3.iii).

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Permit Rulemaking process as specified under 5 Illinois Consolidated Statutes ("ILCS") 11/5 Rulemaking Provisions or under 415 ILCS 5/28.2 Federally Required Rules. A complete lack of a Public Notification and/or State or Federal review of the revised rules may make the document invalid in its entirety.

7. In another review of Notices of Intent filed under the current ILR10 which includes some 6,000 projects statewide fully 2,599 (43%) of the NoIs have the SAME Latitude and Longitude entry at 41.529167 and -88.068333.
8. In another review of Notices of Intent filed under the current ILR10 which includes some 6,000 projects statewide fully 2,248 (37.5%) of the NoIs do NOT have a Contractor listed as required.
9. In another review of Notices of Intent filed under the current ILR10 which includes some 6,000 projects statewide fully 4,515 (75%%) of the NoIs do NOT have an Approved Date listed. While the permit allows dischargers are 'authorized to discharge storm water from construction sites under the terms and conditions of this permit in 30 days after the date the NOI and SWPPP are received by the Agency. The 30-day clock for dischargers should start upon the 'Approved' date, not the 'Received' date. If there is a backlog at IEPA and a review not done until day 29 (of 30); the discharger could start the project under an incomplete or incorrect SWPPP.
10. Under 413 ILCS 5/40.3.e.1 the state allows petitioning the Board within 35 days from the date of issuance of the Agency's decision. In furtherance to number 9; without an 'Approved Date' the public is not aware of when the petition clock starts.
11. The Notice of Termination process under the ILR10 is broken. Out of 6,000 projects from 2017 to today there have been 474 projects 'terminated'. Another 35 projects have been submitted for termination. Doing some very rudimentary statistical analysis, from Permit Coverage Date through to Project Termination Date the average duration of these 474 projects is 446 days. By extrapolating these numbers to the 'Approved' count should yield an additional 1,743 Notices of Termination filed. This is the period of January 2017 through July 2020.
12. I, as the petitioner, retired from the United States Navy Seabees following 25-years of Naval service to our country in 2012. I proudly wore the flag and swore more than a few times to Uphold and Defend. I am gravely concerned that if the State of Illinois is unable to properly administer the NPDES program as

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delegated from IEPA, that our environment, and especially our waters, will be the worse for it. My daughter and our children deserve better.

13. I am requesting that the United States Environmental Protection Agency review Illinois' compliance AND program execution including inspection methodologies across ALL delegated NPDES Program areas. Further, I would ask that a representative and randomized sample of projects, commercial & government, be audited for compliance and efficacy. This could include projects completed, going back three years, and ongoing at your discretion.

Respectfully submitted,



Michael J. Korman

Sent in accordance with 35 ILCS 101.304g (1) (3) & (4) to:

Cc: Office of Illinois Attorney General – Division Chief of Environmental Enforcement
Illinois Environmental Protection Agency – Division of Legal Counsel
Illinois Department of Natural Resources – Office of Legal Services

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4. Under 40 CFR § 123.62 the State of Illinois was required to initiate a program revision process as the prior NPDES Permit No. ILR10 which was issued on July 30, 2013, Effective August 1, 2013 and with an expired date of July 31, 2018. The revised General NPDES Permit No. ILR10 was issued on August 3, 2018, Effective August 3, 2018 and with an expire date of July 31, 2023.
5. Included in the revision is a provision, 40 CFR § 123.62(a) and (b)2 which specifically states that *'whenever the EPA determines that the proposed revision is substantial, EPA shall issue public notice and shall be published in the Federal Register.'* As an example, the following states, territories and numerous Indigenous Tribes complied with this provision:
 - a. District of Columbia (Posted May 24, 2017)
 - b. Oklahoma (Posted May 24, 2017)
 - c. New Mexico (Posted May 24, 2017)
 - d. Guam (Posted May 24, 2017)
 - e. Idaho (Posted May 24, 2017)
 - f. Washington (Posted May 24, 2017)
 - g. Alabama (Posted January 18, 2017)
 - h. New York (Posted January 18, 2017)
 - i. Vermont (Posted May 27, 2019)
 - j. Delaware (Posted January 18, 2017)
 - k. Texas (Posted May 24, 2017)
 - l. Northern Mariana Islands (Posted May 24, 2017)
 - m. Massachusetts (Posted May 24, 2017)
 - n. New Hampshire (Posted May 24, 2017)
 - o. Arizona (Posted January 18, 2017)
 - p. Minnesota (Posted January 18, 2017)
 - q. North Dakota (Posted January 18, 2017)
 - r. New Hampshire (Posted May 27, 2019)

Fully 15 states complied with the provision and believed that their update was 'substantial'. Further, I do not believe that a public notice was posted or published in a major newspaper or the Federal Register as required. All but two of the updates above occurred prior to August 3, 2018.

6. In a comprehensive review of the Illinois Pollution Control Board ("IPCB") website, the Illinois Environmental Protection Agency ("IEPA") website and the Illinois Register I cannot find any reference to the 2017 Construction General